

Definitions

These definitions apply to the taking of fish and shellfish by Federally qualified subsistence users in Alaska.

abalone iron is a flat device used for taking abalone. It is more than 1 inch (24 mm) wide and less than 24 inches (610 mm) long, with all prying edges rounded and smoothed.

ADF&G means the Alaska Department of Fish & Game.

agency means a subunit of a cabinet level Department of the Federal government having land management authority over public lands and waters. These include: The U.S. Fish & Wildlife Service, Bureau of Indian Affairs, Bureau of Land Management, National Park Service, and USDA Forest Service.

anchor means a device used to hold a fishing vessel or net in a fixed position relative to the beach; this includes using part of the seine or lead, a ship's anchor, or being secured to another vessel or net that is anchored.

ANILCA means the Alaska National Interest Lands Conservation Act, Public Law 96-487, 94 Stat. 2371, (December 2, 1980) and codified, as amended, in scattered sections of 16 U.S.C. and 43 U.S.C.

area, district, subdistrict, and section means one of the geographical areas defined in the codified ADF&G regulations found in Title 5 of the Alaska Administrative Code.

barter means the exchange of fish or wildlife or their parts taken for subsistence uses; for other fish or wildlife or their parts; or, for other food or for nonedible items other than money, if the exchange is of a limited and non-commercial nature.

beach seine means a floating net which is designed to surround fish and is set from and hauled to the beach.

cast net means a circular net with a mesh size of no more than ½ inch and weights attached to the perimeter which, when thrown, surrounds the fish and closes at the bottom when retrieved.

char means these species: Arctic char (*Salvelinus alpinus*); lake trout (*Salvelinus namaycush*); brook trout (*Salvelinus fontinalis*), and Dolly Varden (*Salvelinus malma*).

crab means these species: Red king crab (*Paralithodes camshatica*); blue king crab (*Paralithodes platypus*); brown king crab (*Lithodes aequispina*); scarlet king crab (*Lithodes couesi*); all species of Tanner or snow crab (*Chionoecetes spp.*); and Dungeness crab (*Cancer magister*).

closed season means the time when fish or shellfish may not be taken.

customary and traditional use means a long-established, consistent pattern of use, incorporating beliefs and customs transmitted from generation to generation. This use plays an important role in the economy of the community.

customary trade means the traditional exchange of cash for subsistence-harvested fish or wildlife resources, not otherwise prohibited by Federal law or regulation, to support personal and family needs; and does not include trade which constitutes a significant commercial enterprise.

depth of net means the perpendicular distance between cork line and lead line expressed as either linear units of measure or as a number of meshes, including all of the webbing composing the net.

dip net means a bag-shaped net supported on all sides by a rigid frame; the maximum straight-line distance between any two points on the net frame, as measured through the net opening, may not exceed 5 feet; the depth of the bag must be at least ½ of the greatest straight-line distance, as measured through the net opening. No portion of the bag may be constructed of webbing that exceeds a stretched measurement of 4.5 inches. The frame must be attached to a single rigid handle and be operated by hand.

diving gear is any type of hard hat or skin diving equipment, including SCUBA equipment, tethered, umbilical, surface-supplied, or snorkel.

drainage means all of the lands and waters comprising a watershed, including tributary rivers, streams, sloughs, ponds and lakes, which contribute to the water supply of the watershed.

drift gillnet means a drifting gillnet that has not been intentionally staked, anchored or otherwise fixed in one place.

family means all persons related by blood, marriage or adoption, or any person living within the household on a permanent basis.

Federal land(s) means lands and waters, the title to which belongs to the United States, including navigable and non-navigable waters in which the United States has reserved water rights.

fish and wildlife means any member of the animal kingdom, including any mammal, fish, amphibian, mollusk, crustacean, arthropod, or bird (including any migratory, nonmigratory or endangered birds protected by treaty or other international agreement) or other invertebrate. Fish and wildlife also includes any animal kingdom part, product, egg, offspring, or the carcass or part of the carcass.

fish wheel means a fixed, rotating device, with no more than four baskets on a single axle, for catching fish which is driven by river current or other means (2 baskets only in the Copper River).

freshwater of streams and rivers means the line at which freshwater is separated from saltwater at the mouth of streams and rivers by a line drawn headland to headland across the mouth as the waters flow into the sea.

fyke net means a fixed, funneling (fyke) device used to entrap fish.

gear means any type of fishing apparatus.

gillnet means a net primarily designed to catch fish by entanglement in a mesh that consists of a single sheet of webbing which hangs between cork line and lead line, and which is fished from the surface of the water.

grappling hook is a hooked device with flukes or claws that is attached to a line and operated by hand.

groundfish (or **bottomfish**) means any marine fish except halibut, osmerids, herring, and salmonids.

hand purse seine means a floating net which is designed to surround fish and which can be closed at the bottom by pursing the lead line. Pursing may only be done by hand power, and a free-running line through one or more rings attached to the lead line is not allowed.

handline means a hand-held and operated line, with one or more hooks attached.

harvest limit means the maximum legal take per person or designated group, per specified time period, in the area in which the person is fishing (even if part, or all of the fish or shellfish are preserved). A fish, when landed and killed by means of rod and reel, becomes part of the harvest limit of the person originally hooking it.

herring pound means an enclosure used primarily to contain live herring over extended periods of time.

household means a group of people residing in the same residence.

hung measure means the maximum length of the cork line when measured wet or dry with traction applied at one end only.

hydraulic or mechanical clam digger is a device using water (or a combination of air and water) or a mechanical device used to harvest clams.

inland waters means waters located landward of the mean high tide line or upstream of the straight line drawn from headland to headland across the mouths of rivers or other waters as they flow into the sea. Inland waters include (but are not limited to) lakes, reservoirs, ponds, streams, and rivers.

jigging gear means a line (or lines) with lures or baited hooks, drawn through the water by hand, and which are operated during periods of ice cover from holes cut in the ice, or from shore ice and which are drawn through the water by hand.

lead means either a length of net employed for guiding fish into a seine, set gillnet, or other length of net, or a length of fencing employed for guiding fish into a fish wheel, fyke net or dip net.

legal limit of fishing gear means the maximum aggregate of a single type of fishing gear permitted to be used by one individual or boat, or combination of boats in any particular regulatory area, district, or section.

long line means either a stationary, buoyed, or anchored line, or a floating, free-drifting line with lures or baited hooks attached.

marine waters are those waters located seaward of the mean high tide line or seaward of the straight line drawn from headland to headland across the mouths of rivers or other waters as they flow into the sea.

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mechanical jigging machine means a mechanical device with line and hooks used to jig for halibut and bottomfish, but does not include hand gurdies or rods with reels.

mile means a nautical mile when used in reference to marine waters or a statute mile when used in reference to freshwater.

person means an individual and does not include a corporation, company, partnership, firm, association, organization, business, trust or society.

poison means any substance that is toxic or poisonous upon contact or ingestion.

possession limit means the maximum number of fish or shellfish a person or designated group may have in possession if the fish or shellfish have not been canned, salted, frozen, smoked, dried, or otherwise preserved so as to be fit for human consumption after a 15 day period.

pot means a portable structure designed and constructed to capture and retain live fish or shellfish in the water.

public land(s) or Federal public land(s) means lands situated in the State of Alaska which are Federal public lands, except:

1. Land selections of the State of Alaska which have been tentatively approved or validly selected under the Alaska Statehood Act or granted to the Territory of Alaska or the State under any other provision of Federal law;
2. Land selections of a Native Corporation made under ANILCA which have not been conveyed to a Native Corporation, unless that selection is invalid or relinquished;
3. Lands referred to in Section 19(b) of ANILCA.

However, until conveyed, all Federal public lands within the boundaries of any unit of the National Park system, National Wildlife Refuge system, National Wild & Scenic Rivers system, National Forest Monument, National Recreation Area, National Conservation Area, new National forest or forest addition, shall be treated as public lands for the purposes of these regulations.

purse seine means a floating net which is designed to surround fish and which can be closed at the bottom by means of a free-running line through one or more rings attached to the lead line.

regulatory year for fisheries and shellfish means April 1 through March 31.

reserved water right(s) means the Federal right to use additional unappropriated water necessary to accomplish the purposes for which the Federal reservation was established. Reserved water rights include nonconsumptive and consumptive uses of water.

resident means any person who has his or her primary, permanent home for the previous 12 months within Alaska and whenever absent from this primary, permanent home, the person has the intention of returning to it. Factors demonstrating the location of a person's primary, permanent home may include: an address is listed on an Alaska Permanent Fund Dividend application; an Alaska license to drive, hunt, fish, or engage in an activity regulated by a government entity; an affidavit of person or persons who know the individual; voter registration; location of residences owned, rented or leased; location of stored household goods; residence of spouse, minor children or dependents; tax documents; or whether the person claims residence in another location for any purpose.

ring net is a bag-shaped net suspended between no more than two frames. The bottom frame may not be larger in perimeter than the top frame. The gear must be nonrigid and collapsible, so that free movement of fish or shellfish across the top of the net is not prohibited when the net is employed.

rockfish means all species of the genus *Sebastes*.

rod and reel means either a device upon which a line is stored on a fixed or revolving spool and is deployed through guides mounted on a flexible pole; or a line that is attached to a pole. In either case, bait or an artificial fly or lure is used as terminal tackle. This definition does not include the use of rod and reel gear for snagging.

rural means any community or area of Alaska determined by the Federal Subsistence Board to qualify as such. Only residents of communities or areas that the Board has determined to be rural are eligible for subsistence priority.

salmon means these species: Pink “humpy” salmon (*Oncorhynchus gorbuscha*); sockeye “red” salmon (*Oncorhynchus nerka*); Chinook “king” salmon (*Oncorhynchus tshawytscha*); coho “silver” salmon (*Oncorhynchus kisutch*); and chum “dog” salmon (*Oncorhynchus keta*).

salmon stream means any stream used by salmon for spawning, rearing, or for migrating to a spawning or rearing area.

scallop dredge is a dredge-like device designed specifically for (and capable of) taking scallops by being towed along the ocean floor.

sea urchin rake is a hand-held implement, no longer than four feet, which is equipped with projecting prongs. The rake is used to gather sea urchins.

Secretary means the Secretary of the Interior, except when referring to any unit of the National Forest System, when the term means the Secretary of Agriculture.

set gillnet means a gillnet that has been intentionally set, staked, anchored, or otherwise fixed.

shovel is a hand-held implement for digging clams.

snagging means hooking or attempting to hook a fish elsewhere than in the mouth.

spear means a shaft with a sharp point or fork-like implement attached to one end which is used to thrust through the water to impale or retrieve fish and which is operated by hand.

State means the State of Alaska.

stretched-measure or stretched-mesh means the average length of any series of 10 consecutive meshes measured from inside the first knot and including the last knot when wet. The 10 meshes, when being measured, must be an integral part of the net, as hung, and measured perpendicular to the edges of the net. Measurements must be made by means of a metal tape measure while the 10 meshes being measured are suspended vertically from a single peg or nail, under five-pound weight.

subsistence fishing permit means a permit issued by the ADF&G or the Federal Subsistence Board.

subsistence uses means the customary and traditional uses by rural Alaska residents of wild, renewable resources for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation; for the making and selling of handicraft articles out of nonedible by-products of fish and wildlife resources taken for personal or family consumption; for barter, or sharing for personal or family consumption; and for customary trade.

take or **taking** means to fish, pursue, trap, net, capture, collect, kill, harm, or attempt to engage in any such conduct.

to operate fishing gear means any of the following: To deploy gear in the water; to remove gear from the water; to remove fish or shellfish from the gear during an open season or period; or to possess a gillnet containing fish during an open fishing period, except that a gillnet which is completely clear of the water is not considered to be operating for the purposes of minimum distance requirement.

trawl means a bag-shaped net towed through the water to capture fish or shellfish, and includes beam, otter, or pelagic trawl.

troll gear means a power gurdy troll gear consisting of a line or lines with lures or baited hooks which are drawn through the water by a power gurdy; hand troll gear consisting of a line or lines with lures or baited hooks which are drawn through the water from a vessel by hand trolling, strip fishing or other types of trolling, and which are retrieved by hand power or hand-powered crank and not by any type of electrical, hydraulic, mechanical or other assisting device or attachment; or dinglebar troll gear consisting of one or more lines, retrieved and set with a troll gurdy or hand troll gurdy, with a terminally attached weight from which one or more leaders with one or more lures or baited hooks are pulled through the water while a vessel is making way.

trout means these species: cutthroat trout (*Oncorhynchus clarki*) and rainbow/steelhead trout (*Oncorhynchus mykiss*).

year means calendar year unless another year is specified.